IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 9877 of 2004**

Between:

M. Shankar S/o Mallaiah, occ:Agriculture,
R/o Chakunta, Choppadandi Mandal, Karimnagar District.

**....PETITIONER**

AND

1 The Regional Transport Officer, Karimnagar, Karimnagar District.
2 The Asst. Motor Vehicles Inspector, (Enforcement), Karimnagar, Karimnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in seizing the Bajaj Tempo make Tractor bearing Chasis No. TO 700767 of 03 and Engine No. D10007794, Balwan 400 Model and the Trailor bearing Registration No. AP-15-T-6724 having Chasis No. 75/95-96 under Vehicle Check Report dated 04-05-2004 as illegal and arbitrary and consequently direct the Respondents to release the Tractor and Trailor in favour of the petitioner.

**For the Petitioner: MR.A.PRABHAKAR RAO,Advocate.**

**For the Respondent Nos 1 & 2.: GP FOR TRANSPORT**

**The Court Made the following order:**

The Bajaj Tempo make Tractor bearing Chasis No.T07007670F03 and Trailor bearing No.AP-15-t-6724 of the petitioner were seized by the second respondent under check report, dated 04.05.2004, on the ground that at the time of inspection, the driver of the vehicle failed to produce the registration certificate and other documents. According to the petitioner, he purchased new Bajaj Tempo from the dealer, and thereafter, he purchased the trailor from one K. Ilaiah. The petitioner has not produced the registration certificate in respect of the trailor. Therefore, he is not entitled for the interim custody of the trailor.

In so far as the Bajaj Tempo make Tractor bearing Chasis No. TO 700767 of 03 and Engine NO.D10007794 is concerned, it shall be released to the petitioner on depositing of Rs.5000/-(Rupees five thousand only) and on production of necessary documents for the purchase of said Bajaj Tempo Tractor with the following condition;

"that the petitioner shall produce the tractor as and when required by the concerned authority and he shall not transfer or alienate the same pending disposal of the

proceedings before the first respondent."

The writ petition is accordingly disposed of, at the stage of admission. Under the circumstances, no costs.

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22nd June, 2004

sj/dsk

Copy to:

1 The Regional Transport Officer,
Karimnagar,
Karimnagar District.

2. The Asst. Motor Vehicles Inspector,
(Enforcement), Karimnagar, Karimnagar District.

3. Two CCs to the Government Pleader for

Transport, High Court of A.P., Hyderabad,(OUT).

4. Two C.D.copies.